HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.14108 OF 2006

Between:

Ch.Prabhakar and another

. . .Petitioners

AND

Government of Andhra Pradesh and others

. . .Respondents

Counsel for the petitioners : Smt N.Shoba

Counsel for the respondent No.2 : Shri V.V.Prabhakar Rao

Counsel for the respondent Nos.1&3 : Government Pleader for Panchayat Raj

Dated: 1st August, 2006

: ORDER :

PER G.S.SINGHVI, CJ

In this petition, the petitioners have prayed for issue of a mandamus to the respondents to rectify the voters list of Village Rampalli, Keesara Mandal, Ranga Reddy District and till then, suspend election notification dated 09.07.2006.

A perusal of the record shows that while issuing "Rule Nisi" on 11.07.2006 and making the notice returnable in four weeks, the learned Single Judge directed that the case be listed before Division Bench for being heard with other similar matters. In our opinion, order dated 11.07.2006 passed by the learned Single Judge is self-contradictory, inasmuch as, after making the notice returnable for four weeks, the learned Single Judge could not have ordered listing of the case for hearing along with batch of other petitions because other matters are already on the board of the Divison Bench. But, ignoring this contradiction, we have thought it proper to hear the learned counsel for the parties because if the case is to be taken up after four weeks, the very purpose of filing of the writ petition would have been defeated.

The prayer of the petitioners for issue of a direction to the respondents to rectify the voters list is founded on the allegation that the names of large number of persons have been included in more than one ward and the names of the persons who should have been shown in one ward have been shown in other ward. In paragraphs 4 and 6 of the affidavit filed by petitioner No.1 – Cheruku Prabhakar, details of the mistakes in the preparation of the voters list have been

incorporated.

We have heard learned counsel for the parties. In our opinion, the prayer made by the petitioners for directing the respondents to rectify the voters list cannot be entertained because none of the persons, whose serial numbers have been given in paragraph 4 of the writ petition in the context of the allegations made by petitioner No.1 that the names of those persons have been wrongly entered in the voters list of the particular wards, has been impleaded as party to the writ petition and without issuing notice and hearing them, no order prejudicially affecting their right to exercise franchise in the particular ward can be passed.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.Nos.17582 and 17583 of 2006 filed by the petitioners for grant of interim relief are also dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

Date: 01.08.2006

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